

SECRETARY OF STATE[721]**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby amends Chapter 21, "Election Forms and Instructions," Iowa Administrative Code.

These amendments are necessary to establish uniformity throughout the state regarding the last day to receive timely postmarked absentee ballots in any election in which the United States post office is closed on the deadline for receipt of absentee ballots after an election. Currently, when the county canvass of votes is to be held on the Monday or Tuesday following an election, the statutory deadline for receiving absentee ballots that are timely postmarked is noon on the Monday after the election. Following the November 6, 2012, Presidential Election, the United States post office will be closed on Monday, November 12, 2012, in observance of the Veterans Day holiday. For this reason, the post office will not be delivering any absentee ballots to county auditors' offices on the Monday following the election. County auditors are not required to close their offices on Monday, November 12, 2012, in observance of Veterans Day, but some will choose to do so. If the county auditor's office is closed on Monday, November 12, 2012, in observance of Veterans Day, Iowa Code section 47.4 moves the deadline to receive absentee ballots to the next day on which the county auditor's office is open. If a county auditor's office is not closed on Monday, November 12, 2012, in observance of Veterans Day, then the deadline for receipt of absentee ballots in that county will be Friday, November 9, 2012, because even though the auditor's office will be open, the post office will not be delivering mail on that Monday. This creates the potential for some counties to accept final delivery of timely postmarked absentee ballots on Friday, November 9, 2012, while other counties will accept timely postmarked absentee ballots until noon on Tuesday, November 13, 2012. In the interest of uniformity across the state related to absentee ballot receipt deadlines and in an effort to ensure as many timely postmarked absentee ballots are counted in November 2012 as possible, amendments to Chapter 21 are adopted.

These amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin as **ARC 0154C** on June 13, 2012. No public comments were received. These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 47.1, 47.4, 50.24 and 53.17.

These amendments will become effective September 12, 2012.

The following amendments are adopted.

ITEM 1. Adopt the following new rule 721—21.12(47,53):

721—21.12(47,53) Absentee ballot receipt deadline when the United States post office is closed on the deadline for receipt of absentee ballots. When the United States post office is closed in observance of a federal holiday and is not delivering mail on the deadline for receipt of absentee ballots as set forth in Iowa Code section 53.17, the deadline to receive mailed and timely postmarked absentee ballots shall move to the next business day on which mail delivery is available.

This rule is intended to implement Iowa Code sections 47.1, 47.4 and 53.17.

ITEM 2. Adopt the following new rule 721—21.13(47,50):

721—21.13(47,50) Canvass date adjustment when the United States post office is closed on the deadline for receipt of absentee ballots.

21.13(1) When the United States post office is closed on a Monday that is also the deadline for receipt of absentee ballots, the county board of canvassers may hold the canvass on the Tuesday or Wednesday following the election.

21.13(2) When the United States post office is closed on a Thursday that is also the deadline for receipt of absentee ballots, the county board of canvassers shall hold the canvass on the Friday after the election, no earlier than 1 p.m.

This rule is intended to implement Iowa Code sections 47.1, 47.4 and 50.24.

[Filed 7/19/12, effective 9/12/12]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/8/12.